

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

No. 05-2058
DC No. 05-10221

KEVIN TAYLOR

Petitioner - Appellant

v.

DAVID L. WINN, Warden

Respondent - Appellee

ORDER OF COURT
Entered: July 28, 2005

Appellant has filed an application to proceed without prepayment of fees and affidavit in this court with prison trust account information, which we transmit to the district court for action. Fed. R. App. P. 24(a). Copies of the district court's ruling shall be forwarded to this court. The district court, if it denies the motion, is requested to state its reasons in writing. Fed. R. App. P. 24(a)(2). If defendant-appellant is not granted in forma pauperis status by the district court, he may file a motion to proceed in forma pauperis in this court, provided that he do so in accordance with Fed. R. App. P. 24(b).

By the Court:

Richard Cushing Donovan, Clerk

JULIE GREGG

By: _____
Operations Supervisor

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: Aut Date: 07/28/05

[Certified Copies to the Honorable Douglas P. Woodlock, Susan A. Thornton, Clerk USDC]
[cc: Kevin G. Taylor, Christopher R. Donato, AUSA]

UNITED STATES DISTRICT COURT

District of Massachusetts

Kevin Taylor
Plaintiff

V.

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

David L. Winn, Warden
Defendant

CASE NUMBER: CIVIL ACTION No.
05-10221-DPW

Kevin Taylor

declare that I am the (check appropriate box)

☐ petitioner/plaintiff/movant ☒ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury.

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration FMC-Devens, P.O. Box 879, Ayer, MA

Are you employed at the institution? Yes Do you receive any payment from the institution? Yes

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. \$5.00 a month; Bureau of

Prisons, FMC-Devens

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

N/A

3. In the past 12 twelve months have you received any money from any of the following sources?

| | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Inmate Statement



Inmate Reg #: 03421068
 Inmate Name: TAYLOR, KEVIN
 Report Date: 06/23/2005
 Report Time: 9:25:23 AM

Current Institution: Devens FMC
 Housing Unit: J SOMP
 Living Quarters: Z01-111UDS

| Alpha Code | Date/Time | Reference# | Payment# | Receipt# | Transaction Type | Transaction Amount | Encumbrance Amount | Ending Balance |
|------------|----------------------|----------------|----------|----------|-------------------|--------------------|--------------------|----------------|
| DEV | 6/14/2005 7:45:38 AM | | 866 | | PLRA Payment | (\$49.55) | | \$395.06 |
| DEV | 6/13/2005 4:15:11 PM | 83 | | | Sales | (\$12.75) | | \$444.61 |
| DEV | 6/13/2005 1:08:04 PM | 33318005 | | | Western Union | \$50.00 | | \$457.36 |
| DEV | 6/10/2005 6:43:06 PM | ITS0610 | | | ITS Withdrawal | (\$3.00) | | \$407.36 |
| DEV | 6/9/2005 8:19:26 PM | ITS0609 | | | ITS Withdrawal | (\$5.00) | | \$410.36 |
| DEV | 6/8/2005 8:02:54 PM | ITS0608 | | | ITS Withdrawal | (\$2.00) | | \$415.36 |
| DEV | 6/6/2005 8:25:35 PM | ITS0606 | | | ITS Withdrawal | (\$5.00) | | \$417.36 |
| DEV | 6/6/2005 5:10:14 PM | ITS0606 | | | ITS Withdrawal | (\$6.00) | | \$422.36 |
| DEV | 6/6/2005 10:44:01 AM | 5JV107 | | | Payroll - IPP | \$5.25 | | \$428.36 |
| DEV | 6/5/2005 6:58:57 PM | ITS0605 | | | ITS Withdrawal | (\$2.00) | | \$423.11 |
| DEV | 6/4/2005 5:27:35 AM | 70134101 | | | Lockbox - CD | \$50.00 | | \$425.11 |
| DEV | 6/4/2005 5:27:35 AM | 5DEVD040 - 305 | | | Debt Encumbrance | | (\$7.31) | ----- |
| DEV | 6/2/2005 6:41:22 PM | ITS0602 | | | ITS Withdrawal | (\$8.00) | | \$375.11 |
| DEV | 5/25/2005 2:51:10 PM | 5DEVD040 | 803 | | Initial PLRA Pymt | (\$97.69) | | \$383.11 |
| DEV | 5/23/2005 5:37:23 PM | ITS0523 | | | ITS Withdrawal | (\$10.00) | | \$480.80 |
| DEV | 5/19/2005 6:09:42 PM | ITS0519 | | | ITS Withdrawal | (\$7.00) | | \$490.80 |
| DEV | 5/18/2005 5:13:49 PM | 66 | | | Sales | (\$23.05) | | \$497.80 |
| DEV | 5/17/2005 6:25:48 PM | ITS0517 | | | ITS Withdrawal | (\$5.00) | | \$520.85 |
| DEV | 5/13/2005 6:12:23 PM | ITS0513 | | | ITS Withdrawal | (\$10.00) | | \$525.85 |
| DEV | 5/12/2005 2:12:06 PM | 775-V | | | Initial PLRA Pymt | \$98.33 | | \$535.85 |
| DEV | 5/12/2005 1:56:49 PM | 5DEVD039 | 775 | | Initial PLRA Pymt | (\$98.33) | | \$437.52 |
| DEV | 5/11/2005 7:52:25 PM | ITS0511 | | | ITS Withdrawal | (\$5.00) | | \$535.85 |
| DEV | 5/9/2005 8:07:32 PM | ITS0509 | | | ITS Withdrawal | (\$5.00) | | \$540.85 |
| DEV | 5/9/2005 4:40:38 PM | ITS0509 | | | ITS Withdrawal | (\$5.00) | | \$545.85 |
| DEV | 5/8/2005 7:06:03 PM | 33315505 | | | Western Union | \$50.00 | | \$550.85 |
| DEV | 5/7/2005 7:56:52 PM | ITS0507 | | | ITS Withdrawal | (\$5.00) | | \$500.85 |
| DEV | 5/4/2005 10:30:39 PM | ITS0504 | | | ITS Withdrawal | (\$5.00) | | \$505.85 |
| DEV | 5/4/2005 10:08:43 AM | 5JV093 | | | Payroll - IPP | \$5.25 | | \$510.85 |
| DEV | 5/2/2005 6:27:17 PM | ITS0502 | | | ITS Withdrawal | (\$5.00) | | \$505.60 |
| DEV | 5/2/2005 5:18:06 AM | 70131703 | | | Lockbox - CD | \$50.00 | | \$510.60 |
| DEV | 5/1/2005 2:47:09 PM | ITS0501 | | | ITS Withdrawal | (\$10.00) | | \$460.60 |
| DEV | 4/28/2005 9:56:37 PM | ITS0428 | | | ITS Withdrawal | (\$5.00) | | \$470.60 |
| DEV | 4/27/2005 8:42:06 PM | ITS0427 | | | ITS Withdrawal | (\$5.00) | | \$475.60 |

| | | | | | |
|-----|-------------|-----------------|----------------|----------|----------|
| DEV | 4/23/2005 | ITS0423 | ITS Withdrawal | (\$5.00) | \$480.60 |
| | 6:08:22 PM | | | | |
| DEV | 4/22/2005 | ITS0422 | ITS Withdrawal | (\$5.00) | \$485.60 |
| | 9:56:35 PM | | | | |
| DEV | 4/20/2005 | ITS0420 | ITS Withdrawal | (\$4.00) | \$490.60 |
| | 7:19:21 PM | | | | |
| DEV | 4/19/2005 | ITS0419 | ITS Withdrawal | (\$6.00) | \$494.60 |
| | 5:15:09 PM | | | | |
| DEV | 4/12/2005 | ITS0412 | ITS Withdrawal | (\$5.00) | \$500.60 |
| | 6:40:06 PM | | | | |
| DEV | 4/9/2005 | 1:41:26 ITS0409 | ITS Withdrawal | (\$5.00) | \$505.60 |
| | PM | | | | |
| DEV | 4/8/2005 | 7:07:15 ITS0408 | ITS Withdrawal | (\$5.00) | \$510.60 |
| | PM | | | | |
| DEV | 4/6/2005 | 8:47:41 ITS0406 | ITS Withdrawal | (\$5.00) | \$515.60 |
| | PM | | | | |
| DEV | 4/5/2005 | 5JV081 | Payroll - IPP | \$5.25 | \$520.60 |
| | 10:22:50 AM | | | | |
| DEV | 4/4/2005 | 6:48:44 ITS0404 | ITS Withdrawal | (\$5.00) | \$515.35 |
| | PM | | | | |
| DEV | 4/1/2005 | 7:47:13 ITS0401 | ITS Withdrawal | (\$5.00) | \$520.35 |
| | PM | | | | |
| DEV | 4/1/2005 | 4:44:27 ITS0401 | ITS Withdrawal | (\$5.00) | \$525.35 |
| | PM | | | | |
| DEV | 3/25/2005 | ITS0325 | ITS Withdrawal | (\$5.00) | \$530.35 |
| | 6:47:38 PM | | | | |
| DEV | 3/23/2005 | ITS0323 | ITS Withdrawal | (\$5.00) | \$535.35 |
| | 8:12:05 PM | | | | |
| DEV | 3/21/2005 | ITS0321 | ITS Withdrawal | (\$5.00) | \$540.35 |
| | 6:29:18 PM | | | | |
| DEV | 3/20/2005 | ITS0320 | ITS Withdrawal | (\$5.00) | \$545.35 |
| | 9:51:18 PM | | | | |
| DEV | 3/18/2005 | ITS0318 | ITS Withdrawal | (\$5.00) | \$550.35 |
| | 5:51:09 PM | | | | |

1 2 3

Total Transactions: 137

Totals: (\$220.79) (\$7.31)

Current Balances

| <u>Alpha Code</u> | <u>Available</u> <u>Balance</u> | <u>Pre-Release</u> <u>Balance</u> | <u>Debt</u> <u>Encumbrance</u> | <u>SPO</u> <u>Encumbrance</u> | <u>Other</u> <u>Encumbrance</u> | <u>Outstanding</u> <u>Instruments</u> | <u>Administrative</u> <u>Holds</u> | <u>Account</u> <u>Balance</u> |
|-------------------|------------------------------------|--------------------------------------|-----------------------------------|----------------------------------|------------------------------------|--|---------------------------------------|----------------------------------|
| DEV | \$387.75 | \$0.00 | \$7.31 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$395.06 |
| Totals: | \$387.75 | \$0.00 | \$7.31 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$395.06 |